

### REMARKS

Claims 3 - 4 and 9 - 13 remain in this application. Claims 1 - 2 and 5 - 8 have been canceled. Claims 3, 9, and 11 have been amended. Reconsideration of this application in view of the amendments noted is respectfully requested.

Claim 3 has been amended to depend from claim 9.

Claim 9 has been amended to delete the words "or an aliphatic polyester" in the limitation "an aromatic/aliphatic copolymer polyester or an aliphatic polyester (B)," to delete the limitation "the sheet being a heat-treated sheet that is heat-treated at a temperature of 110 to 150°C and in a range of 1 to 30 seconds before the forming or during the forming" that was previously added to the claim, and to change the range of (A)/(B) from "97/3 to 80/20%" to --97/3 to 85/15%--, the range being supported by page 18, line 1 of the specification.

Claim 11 has been amended to delete the words "or an aliphatic polyester" in the limitation "an aromatic/aliphatic copolymer polyester or an aliphatic polyester (B)" and to change the range of (A)/(B) from "97/3 to 80/20%" to --97/3 to 85/15%--.

Claims 1, 2, and 5 - 8 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Obuchi (U.S. Patent No. 5,916,950). Claims 1, 2, and 5 - 8 have been canceled, thereby obviating this rejection.

Claims 1 - 13 were rejected under 35 U.S.C. Section 102(e) as being anticipated by Tanaka (JP 2003-068387). Applicant respectfully traverses this rejection.

First, Tanaka is not a proper 102(e) art rejection. Tanaka is a Japanese publication. Section 102(e) only applies to references that are U.S. patents, U.S. patent application publications, and international (PCT) patent application publications published in the English language. Therefore, Tanaka is not prior art under Section 102(e).

Second, applicant's earliest priority date is March 6, 2002. Also, the U.S. filing date of the present application is August 20, 2004. The earliest date that can be given to the Tanaka reference is October 7, 2004, its date of publication. Because applicant's U.S. filing date is August 20, 2004, Tanaka is not a prior art reference. Further, because

applicant can rely on its U.S. filing date to predate the Tanaka reference, no translation of the foreign priority document is necessary.

For these reasons, applicant respectfully requests that the Section 102(e) rejection of claims 1 – 13 as anticipated by Tanaka be withdrawn.

Claims 1, 2, and 5 – 13 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Obuchi in view of Terada (U.S. Patent No. 6,326,440). Applicant respectfully traverses this rejection.

Claims 1, 2, and 5 – 8 have been canceled, thereby obviating the Section 103(a) rejection of these claims.

With respect to independent claims 9 and 11, neither Obuchi nor Terada disclose a resin composition including an aromatic/aliphatic copolymer polyester, as claimed in claims 9 and 11. Nor do these references disclose an aromatic/aliphatic copolymer polyester having a glass transition temperature of not higher than 0°C, as claims 9 and 11 require. Instead, Obuchi and Terada merely disclose the use of an aliphatic polyester. For this reason, neither Obuchi nor Terada disclose the resin composition as claimed in independent claims 9 and 11.

The present invention is based on the following principle: when talc is added in a polylactic acid, heat resistance increases while shock resistance is liable to decrease. In other words, the polylactic acid becomes fragile. For this reason, according to the present invention, adding a small amount of an aromatic/aliphatic copolymer polyester having a glass transition temperature of not higher than 0°C and low crystallinity makes up for the above disadvantage to obtain a formed article applicable for practical use (see also page 16 of the specification). Neither Obuchi nor Terada disclose or indicate this point.

Furthermore, in claims 9 and 11, the ratio of polylactic acid to aromatic/aliphatic copolymer polyester is specifically between 97/3 and 85/15% by mass. In contrast, in Obuchi the ratio of polylactic acid to aliphatic polyester is specifically limited to between 75/25 and 25/75% by mass (see column 7, lines 4 – 18). Obuchi specifically states that the polylactic acid component must be between 25 and 75% by mass, and not greater than 75%

by mass (see column 7, lines 10 - 14). In the present invention, the polylactic acid component is between 85 and 97% by mass, which is outside of the limited range of Obuchi. Likewise, in Terada the ratio of polylactic acid to aliphatic polyester is specifically limited to between 80/20 to 20/80% by mass (see column 6, lines 5 - 11). Terada specifically states that the amount of the polylactic acid should be within the range of 20 - 80 wt % (see column 6, lines 9 - 11). In the present invention, the polylactic acid component is between 85 and 97% by mass, which is outside of the limited range of Terada. Hence, for this reason, Obuchi and Terada also do not disclose the resin composition as claimed in independent claims 9 and 11.

Moreover, with respect to claim 11, the production process claimed in claim 11 includes heat-treating the sheet at a treatment temperature of 110 to 150°C for a treatment period of 1 to 30 seconds and forming the sheet into an article. In contrast, in Obuchi the treatment temperature ranges from 0 to 40°C (see column 8, lines 62 - 67), which is a lower temperature than in the present invention. When heat treatment is performed at a lower temperature, polylactic acid is not crystallized. Hence, such a heat treatment does not improve heat resistance by crystallizing the polylactic acid as in the present invention.

Claims 10 and 12 - 13, depending from one of the base claims, are also patentable over Obuchi and Terada.

For these reasons, claims 9 - 13 are patentable over Obuchi and Terada. Applicant therefore respectfully requests that the Section 103(a) rejection of claims 9 - 13 as being unpatentable over Obuchi and Terada be withdrawn.

Claims 3 and 4 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Obuchi in view of Ikado (U.S. Patent No. 5,766,748). Applicant respectfully traverses this rejection.

Applicant incorporates by reference the arguments made above with respect to the patentability of independent claim 9. Based upon those arguments, claim 9 is patentable over the cited references. Claims 3 and 4, depending directly or indirectly from claim 9, are therefore also patentable over the cited references.

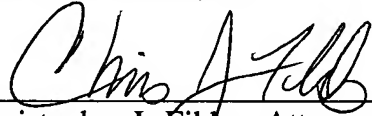
Applicant therefore respectfully requests that the Section 103(a) rejection of claims 3 and 4 as being unpatentable over Obuchi and Ikado be withdrawn.

This amendment and request for reconsideration is believed to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Further, this amendment should be entered as it places the application in condition for allowance or in better form for appeal. No further search or consideration is required. Favorable action is requested.

Respectfully submitted,

Hiroshi Nishimura et al.

Fildes & Outland, P.C.



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Christopher J. Fildes, Attorney  
Registration No. 32,132  
20916 Mack Avenue, Suite 2  
Grosse Pointe Woods, MI 48236  
(313) 885-1500